

AN ACT

RELATING TO PROPERTY LAW; AMENDING THE DEFINITION OF "SOLAR COLLECTOR" IN THE SOLAR RIGHTS ACT; INVALIDATING RESTRICTIONS ON THE INSTALLATION OR USE OF SOLAR COLLECTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 3, Article 18 NMSA 1978 is enacted to read:

"LIMITATION OF COUNTY AND MUNICIPAL RESTRICTIONS ON SOLAR COLLECTORS.--

A. A county or municipality shall not restrict the installation of a solar collector as defined pursuant to the Solar Rights Act, except that placement of solar collectors in historic districts may be regulated or restricted by a county or municipality.

B. A covenant, restriction or condition, contained in a deed, contract, security agreement or other instrument, effective after July 1, 1978, affecting the transfer, sale or use of, or an interest in, real property, that effectively prohibits the installation or use of a solar collector is void and unenforceable."

Section 2. Section 47-3-1 NMSA 1978 (being Laws 1977, Chapter 169, Section 1) is amended to read:

"47-3-1. SHORT TITLE.--Sections 47-3-1 through 47-3-5 NMSA 1978 may be cited as the "Solar Rights Act"."

Section 3. Section 47-3-3 NMSA 1978 (being Laws 1977, Chapter 169, Section 3) is amended to read:

"47-3-3. DEFINITIONS.--As used in the Solar Rights Act:

A. "solar collector" means a device, substance or element, or a combination of devices, substances or elements, that relies upon sunshine as an energy source and that is capable of collecting not less than twenty-five thousand British thermal units on a clear winter solstice day or that is used for the conveyance of light to the interior of a building. The term also includes any device, substance or element that collects solar energy for use in:

(1) the heating or cooling of a structure or building;

(2) the heating or pumping of water;

(3) industrial, commercial or agricultural processes; or

(4) the generation of electricity.

A solar collector may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall; and

B. "solar right" means a right to an unobstructed line-of-sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the

solar collector."

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